

Bureau of Professional Standards
Internal Affairs Division
General Investigations Section

14 Jan 2009
Log #1019438

TO: Commanding Officer
General Investigation Section
Internal Affairs Division

FROM: PA Evelyn D. WHITE, #3101
General Investigation Section
Internal Affairs Division

SUBJECT: Approval of CR #1019438

The attached Investigation has been completed and is submitted for your approval.



PA Evelyn D. WHITE, #3101
General Investigations Section
Internal Affairs Division

APPROVED: 

2039

Team Leader
General Investigation Section
Internal Affairs Division



General Investigation Section
Internal Affairs Division

#1125
26 JAN 09

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

COMPLAINT LOG NO.
1019438

TYPE
INFO

DATE OF REPORT (Day-Mo-Yr.)
14 Jan 2009

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION. SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED. SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: ☐ CHIEF ADMINISTRATOR,
INDEPENDENT POLICE REVIEW AUTHORITY ☒ CHIEF,
INTERNAL AFFAIRS DIVISION

FROM- INVESTIGATOR'S NAME Evelyn D. WHITE	RANK PA	STAR NO. 3101	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN 121G	UNIT DETAILED
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REFERENCE NOS (LIST ALL RELATED C.L., C. B., I.R., INVENTORY NOS., ETC., PERTINENT TO THIS INVESTIGATION)

ADDRESS OF INCIDENT [REDACTED]				DATE OF INCIDENT -TIME 25 Aug 2008 2110-2130		BEAT OF INCIDENT 1211	
ACCUSED	NAME		RANK	STAR NO.	EMPLOYEE NO.	UNIT ASSIGN.	UNIT DETAILED
	1. Kelly D. SMITH		PO	4850	[REDACTED]	020	313
	2.						
	3.						
	SEX/RACE	D.O.B.	DATE OF APPOINTMENT		DUTY STATUS (TIME OF INCIDENT)		
	1. M/W	[REDACTED] 1968	25 Jun 2001		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN
	2.				<input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN
	3.				<input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN
	IF APPLIES, DATE ARRESTED/INDICTED			CHARGES		COURT BRANCH	DISPOSITION & DATE
	1.						
2.							
3.							
COMPLAINANT	NAME		ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE D.O.B./AGE
	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	F.B [REDACTED] 1983/25
VICTIMS	NAME		ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE D.O.B./AGE
WITNESSES	NAME		ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE D.O.B./AGE

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

**IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

NOTE: Complaint Log "Type" remains classified as INFO - Sworn Affidavit NOT on file.

ALLEGATIONS

OEMC Dispatcher Chenetia WASHINGTON alleges that on 25 Aug 2008 between 2110 and 2130 hours at [REDACTED] PO Kelly SMITH, #4850, 020 District, assigned to radio #5653, keyed in and out of her radio frequency, used expletives over the air, and talked over people.

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

On 12 Sep 2008, the R/A sent [REDACTED] a certified letter. She signed for the letter on 17 Sep 2008. (attachments 4 and 5)

The R/A requested and received a copy of the voice transmissions dated 25 Aug 2008 involving OMEC Dispatcher [REDACTED] and a M/W officer assigned to the 020 District with radio #5653. (attachments 6 and 9)

The CD received from OEMC was transcribed by PCO II Niya SCOTT, Unit 121. Profanity was quoted and the Dispatcher told [REDACTED] to stay off the air unless there was an emergency. (attachments 8 and 9)

The R/A requested and received a copy of the 020 District Radio Log dated 25 Aug 2008. Radio #5663 was assigned to [REDACTED] 2069A. (attachment 7)

The R/A, through the CHRIS system, obtained a copy of the 020 District A & A Sheet dated 25 Aug 2008, 4th Watch. On 25 Aug 2008, PO Kelly D. SMITH was assigned to Beat 2069A. (attachment 11)

As a follow-up to the certified letter, on 7 Jan 2009, the R/A telephoned 73-253-8920 [REDACTED] to arrange for her to sign a Sworn Affidavit and be interviewed. A recorded message was left for her to call the R/A at the Internal Affairs Division. As of the date of this report, [REDACTED] has not contacted the R/A. (attachment 10)

Based on the lack of a Sworn Affidavit and the lack of cooperation from [REDACTED] the R/A terminated the investigation. This case is CLOSED - NO CONVERSION.

SUMMARY

ATTACH- MENTS	INVESTIGATIVE REPORTS- SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS:	INVESTIGATIVE REPORTS- SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS:	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
	8	0	0	11

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for — days (not to exceed 5 days).

Accused: PO Kelly D. SMITH, #4850, Unit 313
Allegation: No Affidavit
Recommendation: No disciplinary action warranted, case to be filed.

FINDINGS - RECOMMENDATIONS













DATE INITIATED (Date complaint was received for investigation)	DATE COMPLETED (Date of this report)	ELAPSED TIME (Total time expressed in days)
27 Aug 2008	14 Jan 2009	140

Investigator will initiate the Command Channel Review form by completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE
[REDACTED]
Evelyn D. White

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONT

Attachments

	No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approved Content?	Approved Inclusion?	Comments
	1	FACE SHEET	N/A				STEWART, DENISE	26-AUG-2008 17:25		[EDIT]		
	2	CONFLICT CERTIFICATION	N/A				WHITELY, EVELYN	27-AUG-2008 14:31		[EDIT]		
	3	SWORN AFFIDAVIT FROM COMPLAINT	N/A	1	Non-Cooperation	YES	WHITELY, EVELYN	14-JAN-2009 14:51	PENDING SUPERVISOR REVIEW	[EDIT]		
	4	ATTEMPT TO CONTACT	N/A	1	certified letter 	YES	WHITELY, EVELYN	12-SEP-2008 13:21	APPROVED	[EDIT]	YES	YES
	5	U.S.P.S. (USPS) TRACKING REPORT	N/A	1	certified letter delivered on 17 Sep 2008	YES	WHITELY, EVELYN	23-SEP-2008 15:37	APPROVED	[EDIT]	YES	YES
	6	O.E.M.C. (OEMC) REQUEST/HOLD	N/A	2	radio # 5653	YES	WHITELY, EVELYN	01-OCT-2008 14:59	APPROVED	[EDIT]	YES	YES
	7	REPORT (OTHER)	N/A	5	020 District radio log	YES	WHITELY, EVELYN	07-JAN-2009 12:57	APPROVED	[EDIT]	YES	YES
	8	REPORT (OTHER)	N/A	13	Transcription	YES	WHITELY, EVELYN	07-JAN-2009 13:01	APPROVED	[EDIT]	YES	YES
	9	AUDIO RECORDING	N/A	1	020 District audio recording	YES	WHITELY, EVELYN	07-JAN-2009 13:54	APPROVED	[EDIT]		YES
	10	ATTEMPT TO CONTACT	N/A	1	recorded message left	YES	WHITELY, EVELYN	07-JAN-2009 13:43	APPROVED	[EDIT]	YES	YES
	11	ATTENDANCE AND ASSIGNMENT RECORD	N/A	2	020 District, 12 Aug 2008, 4th Watch	YES	WHITELY, EVELYN	14-JAN-2009 15:00	PENDING SUPERVISOR REVIEW	[EDIT]		